

The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MOLLY M. WARE,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

No. C9-5159 RBL

ORDER ON DEFENDANT'S MOTION
TO COMPEL
[Dkt. #42]

This matter is before the Court on Defendant's Motion to Compel [Dkt. #42]. The underlying case involves Plaintiff's claim that she was wrongfully terminated from her job as a corrections officer. Defendant apparently claims that she was discharged for wrongful conduct, including sexual conduct. Plaintiff's claims and Defendant's defenses have raised three discovery issues.

Defendant seeks three categories of information from Plaintiff: (1) Photographs of her alleged tattoos, which it claims witnesses saw when she engaged in inappropriate conduct with them; (2) Plaintiff's medical records, including information about her depression (which she attributes to her termination); and, (3) access to Plaintiff's Facebook and MySpace and similar

1 social networking sites, which Defendant seeks to use to test the truthfulness of Plaintiff's claim
2 that she is "homebound."

3 Plaintiff responds that Defendant did not comply with Rule 37 in filing this Motion
4 without the required conference. Substantively, she claims that she has no such tattoos, and
5 denies that Defendant has any witness who can testify that she does. She claims that because she
6 seeks only "run of the mill" or "plain vanilla" emotional distress damages, her detailed medical
7 records (including prior reports of depression) are not discoverable. And she claims that
8 Defendants' request for access to her "online accounts" is unprecedented and is akin to seeking
9 her credit card records or other inappropriate accounts.
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11 This is a garden variety discovery dispute in what appears to be a fairly straightforward
12 wrongful termination claim. Nevertheless, each attorney has engaged in less than civil conduct,
13 and neither seems to be at all reticent to share that fact with the Court.
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15 The Motion to Compel photographs of the tattoos is GRANTED. The Plaintiff can take
16 the pictures herself, or have someone do it for her. The Court expects that counsel can
17 communicate with each other, and ensure that the photographs are demonstrably authentic, and
18 of sufficient size and quality to be useful, without additional court intervention.
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20 The Motion to Compel medical records is DENIED. As a condition of this, Plaintiff will
21 not be permitted to produce evidence of anything other than "plain vanilla" emotional distress. If
22 she wishes to introduce any other evidence, she will be required to produce the requested
23 medical records.
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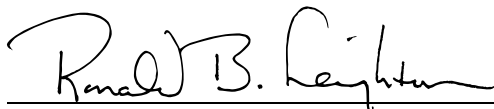
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1 The Motion to Compel access to Plaintiff's online accounts is DENIED.

2 IT IS SO ORDERED.

3 DATED this 27th day of May, 2010.

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6 RONALD B. LEIGHTON
7 UNITED STATES DISTRICT JUDGE
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